

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 22, 2001

H021099 MIX, et al. v. BENEFICIAL CALIFORNIA INC., et al.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: October 22, 2001

*Before Bamattre-Manoukian, Acting P.J. and Wunderlich, J.

H022368 DFCS v. DIANE B.

H023198 In re DIANE B. on Habeas Corpus

The appeal is dismissed. The petition is denied. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed October 22, 2001

TUESDAY, OCTOBER 23, 2001

H021008 IN RE THE MARRIAGE OF BAKER

By the Court*:

Appellant's petition for rehearing is denied.

Filed: October 23, 2001

*Before Bamattre-Manoukian, Acting P.J. and Wunderlich, J.

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; O'Farrell, J.*; and Jane F. Varize, Deputy Clerk.

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H023063 DFCS v. JANE M.; In re ISAIAH A., a Minor

Cause called and argued by Deanna Lamb appearing for Appellant, by Teri L. Robinson, Deputy County Counsel, appearing for Respondent, and by Margaret Burks appearing for minor. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Tuesday, October 23, 2001 (continued)

H021146 PEOPLE v. SCROGGINS

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed October 23, 2001

H021269 PEOPLE v. SMITH

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed October 23, 2001

H021930 PEOPLE v. FONSECA

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed October 23, 2001

H021244 PEOPLE v. HAN

The judgment is affirmed. The trial court is ordered to correct the clerical error regarding the amount of restitution to reflect \$3,290 to the State Board of Control and \$223.40 to the victim. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., O'Farrell, J.*)
Filed October 23, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H021996 PEOPLE v. SEAGRAVES

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)
Filed October 23, 2001

In The Court Of Appeal Of The State Of California 201
Sixth Appellate District
San Jose, California

Tuesday, October 23, 2001 (continued)

H021236 PEOPLE v. JAMES

The judgment is affirmed. (not published)
(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)

Filed October 23, 2001

*Judge of the Monterey Superior Court assigned by the Chief
Justice pursuant to Article VI, Section 6 of the California
Constitution.

H021589 PEOPLE v. GARRETT

The judgment is affirmed. (published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed October 23, 2001

H021548 PEOPLE v. DIVINE

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Premo, J.,
Wunderlich, J.)

Filed October 23, 2001

H021475 PEOPLE v. BRAN

The judgment is affirmed. (not published)
(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)

Filed October 23, 2001

*Judge of the Monterey Superior Court assigned by the Chief
Justice pursuant to Article VI, Section 6 of the California
Constitution.

H021216 PEOPLE v. CUEVAS

The judgment is affirmed. (not published)
(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)

Filed October 23, 2001

*Judge of the Monterey Superior Court assigned by the Chief
Justice pursuant to Article VI, Section 6 of the California
Constitution.

Sixth Appellate District

San Jose, California

Tuesday, October 23, 2001 (continued)

H021848 ALLAN H. v. EDWARD M.; Adoption of JOANNA L., a Minor
(Filed order modifying opinion.) The petition for rehearing
is denied. There is no change in the judgment. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
O'Farrell, J.*)

Filed October 23, 2001

*Judge of the Monterey Superior Court assigned by the Chief
Justice pursuant to Article VI, Section 6 of the California
Constitution.

WEDNESDAY, OCTOBER 24, 2001

The Court met in its courtroom at 333 West Santa Clara
Street, Suite 1060, San Jose, California. Present: Premo, Acting
P.J.; Elia, J.; Mihara, J.; and S. Nasson, Deputy Clerk.

H021533 PEOPLE v. WILLIAMS, JR.

Cause called and argued by Brian Pori appearing for
Appellant and by Seth Schalit, Deputy Attorney General, appearing
for Respondent. Cause ordered submitted.

H022457 DFCS v. CYNTHIA R., et al.

Cause called and argued by Ann Jory and by Michael Saleh
appearing for Appellants and by Teri Robinson, Deputy County
Counsel, appearing for Respondent and by Robert Masterson, Deputy
District Attorney, appearing for Respondent Minor. Cause ordered
submitted.

H020572 BROWN v. LSI LOGIC, INC.

Cause called and argued by Stephen Picone appearing for
Appellant and by Terry Anastassiou appearing for Respondent.
Cause ordered submitted.

H019359 KAPUSI v. FREEMAN, et al.

Cause called and argued by Mark Bonino appearing for
Appellants and by Russell Hanlon appearing for Appellant. Cause
ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, October 24, 2001 (continued)

H020651 OAKLAND RAIDERS v. NATIONAL FOOTBALL LEAGUE, et al.

Cause called and argued by Jerome Falk, Jr. appearing for Appellant and by James Hunt and Duane Musfelt appearing for Respondents. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Mihara, J.; and Jane F. Varize, Deputy Clerk.

H021657 PEOPLE v. ROBINSON

Cause called and argued by Jennifer B. Gieseler appearing for Appellant and by Ronald E. Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021575 MEIER v. CITY OF PALO ALTO, et al.

Cause called and argued by Christopher Williams appearing for Appellant and by William B. Mayfield, Assistant City Attorney, appearing for Respondents. Cause ordered submitted.

H021341 DATT, et al. v. PRATT, et al.

Cause called and argued by Dennis E. Powell appearing for Appellants and by Charles Swanston appearing for Respondents. Cause ordered submitted. Court is adjourned.

H022212 PEOPLE v. AMWEST SURETY INSURANCE COMPANY

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., O'Farrell, J.*)

*Judge of the Monterey Superior Court sitting under assignment by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

Filed October 24, 2001

Sixth Appellate District

San Jose, California

Wednesday, October 24, 2001 (continued)

H022213 PEOPLE v. AMWEST SURETY INSURANCE COMPANY

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
O'Farrell, J.*)
*Judge of the Monterey Superior Court sitting under assignment by
the Chief Justice pursuant to Article VI, Section 6 of the
California Constitution.
Filed October 24, 2001

H021154 MARTIN v. CITY OF PALO ALTO

H021428 MARTIN v. CITY OF PALO ALTO

The judgment and order are affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian,
J.)
Filed October 24, 2001

H022115 PEOPLE v. BROWN

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
O'Farrell, J.*)
Filed October 24, 2001
*Judge of the Monterey Superior Court assigned by the Chief
Justice pursuant to Article VI, Section 6 of the California
Constitution.

H020599 PEOPLE v. ORTIZ, JR.

The abstract of judgment is ordered modified by reducing the
section 1202.4, subdivision (b), restitution fine to \$5,000. As
so modified, the judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed October 24, 2001

H018866 PEOPLE v. BRIAN DAMAR DANIELS, et al.

By the Court*:

Appellant Brian Daniels' petition for rehearing is denied.
Filed: October 24, 2001
*Before Elia, Acting P.J. and Mihara, J.

Sixth Appellate District

San Jose, California

Wednesday, October 24, 2001 (continued)

H022013 MARRIAGE OF RICHARDS

The order filed July 21, 2000, is affirmed. The appeal from the order denying Alisa's motion for reconsideration is dismissed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed October 24, 2001

THURSDAY, OCTOBER 25, 2001

H021042 PEOPLE v. STEWART

By the Court*:

Appellant's petition for rehearing is denied.

Filed: October 25, 2001

*Before Premo, Acting P.J., Elia, J. and Mihara, J.

H021701 PEOPLE v. HERRERA

The order imposing \$500 is stricken. In all other respects the judgment is affirmed. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed October 25, 2001

H022289 CELLULAR PHONE WHOLESALER, INC. v. GTE MOBILNET OF CALIFORNIA; THE BRIX GROUP, INC.

The order is affirmed. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed October 25, 2001

FRIDAY, OCTOBER 26, 2001

H020702 PEOPLE v. LAM

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed October 26, 2001

Sixth Appellate District

San Jose, California

Friday, October 26, 2001

H022123 PEOPLE v. IBARRA

The judgment is affirmed. The clerk of the superior court is instructed to amend the abstract of judgment to delete the reference to Penal Code section 667.6 as to the consecutive sentence imposed for count two. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed October 26, 2001

H021411 MARRIAGE OF PERRY

By the Court*:

Appellant's petition for rehearing is denied.

Filed: October 26, 2001

Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and O'Farrell, J.

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.